

Remarks

Claims 1-50 are pending in the application. Claims 4-6, 9, 10, 21-38 and 43 have been withdrawn from consideration pursuant to a restriction requirement by the Examiner. Claims 1-3, 7, 8, 11-20, 39-42 and 44-50 stand rejected. Favorable reconsideration is respectfully requested.

Claim rejections

Double patenting

Claims 1-3, 7-8, 11-20, 39-42 and 44-50 were rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,256,518. This rejection is respectfully traversed. The Applicant notes that the scope of claims 1-3, 7-8, 11-20, 39-42 and 44-50 may change during prosecution, and that no indication of allowable subject matter has yet been offered by the Examiner. The Applicant therefore submits that a terminal disclaimer will be filed to overcome the obviousness-type double patenting rejection(s), if warranted, when the Examiner indicates that, but for any obviousness-type double patenting rejections, the application is in condition for allowance.

Section 103

Claims 1-3, 7-8, 11-20, 39-42 and 44-50 were rejected under 35 USC 103(a) as being unpatentable over Tam (US 5,526,403) in view of Heo (US 5,400,388).

The Applicant respectfully submits that the cited combination does not support the asserted rejection, for at least the reason that the combination fails to teach or suggest the invention as claimed. Each of independent claims 1, 7, 14, 18, 39, 44 and 50 recites, in one form or another, a communication device that communicates through a first communication network and is supplied with a normal operating power through a second communication network. Referring to claim 1, the Examiner acknowledges that Tam is silent as to a second communication network to provide normal operating power to the communications unit.

The Examiner cites Heo as providing the disclosure noted to be absent from Tam. Specifically, the Examiner points to col. 3, lines 24-30 and 58-67 of Heo in

alleging that Heo discloses "land-based public switched telephone network to provide power to the communications unit in the event of power outage" (Office Action, page 4, item 6).

The Applicant respectfully disagrees: Heo never teaches or suggests providing power to the radio communication circuit 40 disclosed therein from the telephone line L disclosed therein. To the contrary, a careful reading of Heo clearly shows that if the power supply of the radio communication circuit fails, the radio communication circuit becomes inoperable, and a wire telephone is then used *instead* of the radio communication circuit. See, e.g., col. 3, lines 49-63:

"In this case, a low state signal is applied to the voltage sensing terminal Pd2 of the main controller 60 and *a supply voltage is not supplied* to the radio communication circuit 40 ... Accordingly, the line controller 10, the MOH generator 20, the telephone circuit 30, the hold off sensor 50 and the main controller 60 continue their operations, *while the radio communication circuit does not continue operation ...*"

(Emphasis added.) The loss of power to the radio communication unit is sensed and therefore the wire telephone is engaged in its place:

"If the power is off while engaged in the call, the main controller 60 senses power-off, holds on the telephone line L and turns on the MOH generator to generate the MOH ... The user continues the call by hooking off the wire telephone [i.e., taking the wire telephone off the hook]."

See Heo at col. 3, line 68 to col. 4, line 11.

In view of the foregoing, Heo simply does not disclose "land-based public switched telephone network to provide power to the communications unit in the event of power outage" as alleged by the Examiner.

The Examiner even seems to concede that the foregoing is true, in the "Response to Arguments" section of the Office Action. Here, the Examiner "agrees that Heo does not teach supplying a normal operation power through a second communication network to a device that communicates through the first communication network." The Applicant respectfully submits that in view of this, Heo clearly cannot support the applied rejection.

Nevertheless, the Examiner further asserts that "from the claimed language there is **absolutely no link** between the providing of normal operating power to the

communication unit and the communication between the communication unit and the first communication network" (emphasis in original). Based on this, the Examiner states that "[t]herefore, according to Heo, the power provided from the wireline network for operation in the wireline network still reads on the claimed normal operating power."

The Applicant respectfully disagrees that there is "absolutely no link," etc. At least one link exists in that the communication unit needs operating power to communicate, and uses the operating power to communicate via the first network. In any event, it is not believed that there is any authority of record on which to base the assertion that "the wireline network still reads on the claimed normal operating power." If the Examiner is of a different opinion, the Examiner is respectfully requested to cite such authority.

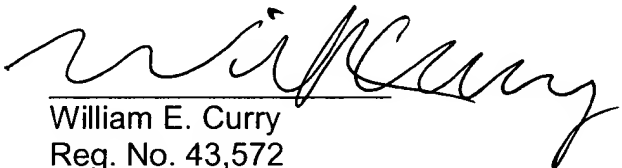
In view of the foregoing, the Applicant respectfully submits that independent claims 1, 7, 14, 18, 39, 44 and 50 are allowable over Tam and Heo. Moreover, because the dependent claims include the recitations of one of the independent claims, the dependent claims are likewise allowable over Tam and Heo for at least the reasons discussed in connection with the independent claims. Withdrawal of the rejection of claims 1-3, 7-8, 11-20, 39-42 and 44-50 as being unpatentable over Tam and Heo is therefore respectfully requested.

Conclusion

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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